

Docket No.: 101896-245

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Nam T. Chao et al.

Application No.: 10/709,019

Filed: April 7, 2004

For: SPINAL CROSS-CONNECTORS

Confirmation No.: 3018

Art Unit: 3732

Examiner: D. Bonderer

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December 10, 2004

Date of Signature and Mail Deposit

By:

William C. Geary III  
Reg. No: 31,359RESPONSE TO ELECTION REQUIREMENTCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the office action mailed November 10, 2004.

The Examiner has identified five allegedly patentably distinct species and has requested that Applicants elect one species for continued prosecution. The identified species are:

- A. Figs. 1-3B
- B. Figs. 4A-6B
- C. Fig. 7
- D. Figs. 8A and 8B
- E. Fig. 9

Applicants hereby elect species A, represented by Figures 1-3B. The claims that read on this species are claims 1-6, 8-13, 15-34, 36-50. The Examiner has previously indicated that claim 1 is generic. Applicant submits that claims 37 and 41 are likewise generic.

Date: December 10, 2004NUTTER MCCLENNEN & FISH LLP  
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Respectfully submitted,

By

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